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In the UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

TO: COMMISSIONER OF PATENTS

Re: Patent application No. 10/656279
Inventor: DE ANGELIS
Filed: 09/08/2003
Examiner: Hung VY
Art Unit: 2821

RESPONSE

This responds to Office Action mailed 03/11/2005.

Claims 6 and 19

Claims 6 and 19 were rejected under 35 USC 102(b) as being anticipated by **Higgins**. Examiner is respectfully requested to reconsider his rejection based on the following.

In respect of claim 19, the Examiner thought that **Higgins** discloses an RF telemetry unit comprising:

- (a) "incumbent metallic infrastructure 21, 24, 131 (see column 2, line 10-35)"
- (b) a fi[r]st RF radiating/receiving element 230 and
- (c) "a fi[r]st metallic structure (see column 3, line 55-67, column 4, line 1-8 and fig. 12) placed physically closer to said first RF radiating/receiving element than the incumbent metallic infrastructure is (see fig. 12)".

Applicant does not understand the Examiner's position on claim 19 and respectfully requests clarification. What the Examiner identifies as (c), "first metallic structure (column 3, line 55-67 and column 4, line 1-8 and fig. 12" in **Higgins**), is a description of base 24, which is actually part of what the Examiner identifies as (a), the "incumbent metallic infrastructure". In other words, there is circularity because the Examiner's (c) is part of his (a).

In respect of claim 6, the Examiner relies on his preceding position on claim 19, and accordingly, Applicant does not understand and respectfully requests clarification for the reasons of circularity stated above.